

TITLE 7 - AGRICULTURE

CHAPTER XVIII - FARMERS HOME ADMINISTRATION  
DEPARTMENT OF AGRICULTURE

SUBCHAPTER S - PERSONNEL

PART 2063 - EMPLOYEE RELATIONS AND SERVICES

SUBPART G - LEGAL ASSISTANCE AVAILABLE TO EMPLOYEES

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PART 2063 - EMPLOYEE RELATIONS AND SERVICES

SUBPART G - LEGAL ASSISTANCE AVAILABLE TO EMPLOYEES

§ 2063.301 General.

The General Counsel of the Department sends field attorneys to advise and help employees of the Department of Agriculture who become involved in civil or criminal actions because of accidents or activities connected to the work.

- (a) The field attorneys also give advice to employees who need protection from physical violence while doing their jobs.
- (b) The Office of the General Counsel (OGC) seeks the help of the Justice Department to protect employee rights.
- (c) Help is also available in obtaining patents.

§ 2063.302 Action required.

The proper office of the OGC must be told immediately (through Rural Development supervisory channels) when employees become involved in accidents causing property damage or serious injury to private property or persons. The OGC must also be told immediately when employees need help with civil or criminal actions resulting from accidents or activities. The procedure is needed so that the OGC can notify the proper United States Attorney. This is done to protect the interest of the Government and of the employees. It must be done even if employees do not use OGC counsel.

- (a) Serious accidents. The employee and the officials make a decision on what is substantial property damage or serious injury.
  - (1) The term "substantial property damage" is used when the property damage is major. The liabilities of the private person and the United States will be resolved through legal proceedings.
  - (2) The term "serious injury" applies to injuries which have caused or may cause death, permanent physical impairment, or serious physical complications.
  - (3) The notification of the accident must include the names of the persons involved, property damage, injuries, the location, time, and cause of accident (if known) and any other information.

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Personnel  
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(b) Notification procedure. (Revised 08-20-97, PN 280.)

(1) Field employees must tell the official head of their field organization (State Director or the Assistant Controller, Finance Office) who tells the appropriate Attorney in Charge and also the Director, SSD, National Office.

(2) National Office employees must tell (through official supervisory channels) the Director, SSD, who in turn notifies the OGC.

(3) See Part 2018 for accidents to Government-owned vehicles, Part 2042 on tort claims and accidents to third parties, and Part 2069 on employee injuries.

§ 2063.303 Definitions. [Reserved]

§ 2063.304 Patents.

OGC can help an employee apply for a patent on an invention the employee has made without Government contribution, outside official duties.

(a) The invention must be in the public interest, and the employee must give Government free right to use the invention. The commercial rights are kept by the employee.

(b) When the invention is made as an official duty or with Government contributions, the United States can claim the patent rights.

(c) See Chapter 15 of Title 1 of the Administrative Regulations (cited 1 AR, Chapter 15) for the procedure and employee rights and obligations.

§ 2063.305 Assault of employees.

The assault of Rural Development employees is not a Federal offense. A Federal offense is involved when two or more persons conspire to prevent (by force, intimidation, or threat) an Rural Development or other Federal employee from performing his duties, or to injure the person or property of the employee (18 U.S.C. 372).

(a) State and local laws. Every State has laws relating to the offense of assault and battery. Rural Development employees are protected by such laws during performance of official duties.

§2063.305 (Con.)

(b) Action by employee required.

- (1) An FmHA employee threatened with bodily harm, or an employee who has actually been harmed, can bring criminal charges.
- (2) Employees must follow procedures if the case goes to trial.
- (3) FmHA has an interest in any unlawful interference with an employee's performance, but the employee must take action first.
- (4) The employee can take civil action.

(c) Injury compensation claims.

- (1) An employee who is injured on official duties can get compensation for medical expenses and loss of pay under the Federal Employees, Compensation Act, administered by the Office of Workers. Compensation Programs (OWCP), Employee Standards Administration, U.S. Department of Labor (see Subpart B of Part 2069). (Revised 4-27-77 PN 567)
- (2) Under this Act the U.S. will sue on behalf of the employee when the United States has an obligation to pay such compensation. If there is no obligation the employee can bring suit to recover damages.
- (3) If the United States is obligated to pay compensation, and the employee receives a private settlement, the actual obligation of the United States is limited to legitimate expenses not covered by the private settlement.
- (4) The Secretary of Labor has jurisdiction over compensation payments. Any personal legal action by an injured employee entitled to compensation is subject to conditions imposed by the Secretary in administering the Federal Employees, Compensation Act. The Department of Labor can give legal advice including:
  - (i) Advice to the employee on how to recover damages when facts show the third party was at fault.
  - (ii) Helping an employee's own lawyer in prosecuting or defending legal actions resulting from accidents or injuries.
  - (iii) Advice to employees about settlements proposed by the third parties or their insurance companies.

§2063.306 Limitations on legal service.

(a) OGC can give legal help to employees as limited in the above paragraphs, including:

(1) Advice to employees about their rights.

(2) Negotiations with the Department of Justice or United States Attorneys.

(b) OGC attorneys cannot go into court as the attorney for an employee.

§2063.307 - 2063.350 [Reserved]

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